

**PUBLIC ACTS, 1999**

**CHAPTER NO. 466**

**HOUSE BILL NO. 299**

**By Representative Maddox**

**Substituted for: Senate Bill No. 416**

**By Senator Herron**

AN ACT to amend Tennessee Code Annotated, Title 33, relative to requiring background checks and/or fingerprints for persons being employed by Title 33 agencies.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 33-1-209(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

Section 33-1-209(c)(1). All organizations licensed as facilities pursuant to Title 33, Chapter 2, Part 5, having employees who provide services and supports to persons with developmental disabilities must conduct background checks as described in this section on such employees hired on or after July 1, 1999. Any person who applies for employment with such an organization in a position that includes direct responsibility for person(s) with developmental disabilities shall:

(A) Provide past work history containing a continuous description of activities over the past five (5) years; and

(B) Identify at least three (3) individuals as personal references, one (1) of which shall have known the applicant for at least five (5) years; and

(C) Release all investigative records to the organization for examination for the purpose of verifying the accuracy of criminal violation information contained on an application to work for such organization; and

(D) Supply fingerprint samples to be submitted for a criminal history records check to be conducted by the Tennessee Bureau of Investigation/Federal Bureau of Investigation; or

(E) Release information for a criminal background investigation by a Tennessee licensed private investigation company.

(2) Organization shall check past work and personal references prior to employment of applicants. At a minimum the organization shall communicate directly with the most recent employer and each employer identified by the applicant as having employed the applicant for more than six (6) months in the past five (5) years. The organization shall communicate directly with at least two (2) of the personal references identified by the applicant. Within or prior to ten (10) days of employment of such person, organizations shall submit the information required to be provided by this subsection to the entity which will conduct the criminal background check.

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(3) Any cost incurred by the Tennessee Bureau of Investigation, the Federal Bureau of Investigation, or a Tennessee licensed private investigation company shall be paid by the organization requesting such investigation and information. If the background check is conducted by the Tennessee Bureau of Investigation or the Federal Bureau of Investigation, the payment of such costs shall be made in the amounts established by Tennessee Code Annotated, Section 38-6-103.

(4) As used in this subsection and 38-6-114(c), "organization(s)" means any facility licensed under Title 33, Chapter 2, Part 5, which provides services to persons with developmental disabilities through contract with the division of mental retardation services or intermediate care facilities for persons with mental retardation (ICF/MR).


SECTION 2. This act shall take effect July 1, 1999, the public welfare requiring it.

**PASSED: May 27, 1999**

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

**APPROVED this 17th day of June 1999**

  
DON SUNDQUIST, GOVERNOR